

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office AUG 01 1996

Returned to applicant for correction AUG 16 1996

Corrected application filed _____

Map filed AUG 01 1996 under 28909

The applicant **OBYT Mining Corporation**, hereby make application for permission to change the **Point of Diversion, Place of Use, and Manner of Use** of water heretofore appropriated under Permit #28909, Cert. Rec #9821

1. The source of water is **underground Keystone Well - Hot Creek Valley Ranch**

2. The amount of water to be changed **0.008 c.f.s.**

3. The water to be used for **Mining - Milling and Domestic**

4. The water heretofore permitted for **Milling and Domestic**

5. The water is to be diverted at the following point **SW¼ of NW¼ Section 11 T-6 N, R50E MDRM** or at a point from which the NW corner of said Section 11 bears N 15.0°, + -, W, a distance of 2500 ft, + -

6. The existing permitted point of diversion is located within **NW¼ NW¼ Section 10, T.6N, R.50E., MDR&M** or at a point from which the NW corner of said Section 10 bears N. 39°'30' W., a distance of 1658 feet, Nye County.

7. Proposed place of use **Sections 7, 8, 9, 10, 11, 16, 17, 18, 19, 20, 21, T6N, R50E, MDR&M**

8. Existing place of use within the **NE¼ NW¼, NE¼ NE¼ of Section 10; SE¼ NE¼, SW¼ SE¼ of Section 9; SW¼ NW¼ of Section 16; SW¼ SE¼ of Section 17; all within T.6N, R.50E, MDB&M**

9. Use will be from **Jan 1 to Dec 31** of each year.

10. Use was permitted from **Jan 1 to Dec 31** of each year.

11. Description of proposed works **Well pump - storage tank and pipeing**

12. Estimated cost of works **\$10,000 + -; work completed to be filed later date**

13. Estimated time required to construct works **completed**

14. Estimated time required to complete the application of water to beneficial use **completed**

15. Remarks: **At this time, no water has been consumed due to delayed construction of the mining and milling facility, which is now being completed. (Proper records will be submitted in a timely fashion, as required by the Division of Water Resources, when consumption begins.)**

By **s/H. Lynn McGuire**
P.O. Box 1732
Tonopah, NV 89049

Compared **cms/bk** **cl/cms**

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion, place of use and manner of use of the waters of an underground source as heretofore granted under Permit 28909 Certificate 9821 is issued subject to the terms and conditions imposed in said Permit 28909 Certificate 9821 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the Proof of Completion of Work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The manner of use of water under this temporary permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on January 13, 1998 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.008 cubic feet per second, but not to exceed 5.8 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

Proof of completion of work shall be filed before:

Application of water to beneficial use shall be filed on or before:

Proof of the application of water to beneficial use shall be filed on or before:

Map in support of proof of beneficial use shall be filed on or before:

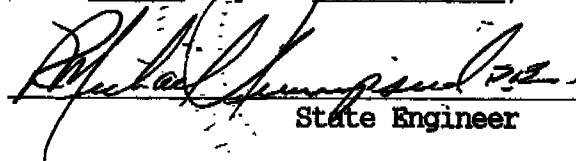
TEMPORARY

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 14th day of January, A.D. 1997


State Engineer

EXPIRED

DATE JAN 14 1998